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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,654	02/09/2004	Paul D. Sergi	AUT.P0020	8798

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EXAMINER

NGUYEN, HOANG V

ART UNIT PAPER NUMBER

2821

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,654

Applicant(s)

SERGI, PAUL D.

Examiner

Hoang V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 6 and 13-29 is/are allowed.
6) ☒ Claim(s) 1-5, 7 and 9-12 is/are rejected.
7) ☒ Claim(s) 8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. The amendment filed on 13 July 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material “a **conductive** mast, a **conductive** block”, as recited in the amended claim 1, is not supported by the original disclosure. Thus claim 1 and dependent claims 2-5 and 9-12 will not be examined on the merit.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The amended claim 7 fails to include all of the limitations that were indicated to contain allowable subject matter in the Office action mailed on 14 April 2005. The rejection to the amended claim 7 follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch (US 2,445,336).

Rauch (Figures 1 and 2) discloses an antenna comprising a mast 28, a generally cylindrical block 14 carried by the mast, the block having a first set of three axially spaced bores 6 therein, and conductive rods 10 received in at least some of the bores. Rauch does not

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explicitly teach that the conductive rods being slidably received in the bores. It would have been obvious to one having ordinary skill in the art at the time the invention was made to arbitrarily select the method to have the rods to slidably receive in the bores as opposed to being threadably received therein since either technique is considered to be equivalent methods of attaching the conductive rods to the block and the selection of any of these known equivalent techniques would be within the level of ordinary skill in the art.

Allowable Subject Matter

5. Claims 6 and 13-29 are allowed.

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, Rauch discloses an antenna comprising a mast, a generally cylindrical block carried by the mast, the block having a plurality of bores therein, the bores being approximately 120 degrees of each other. Rauch, however, fails to further teach that the bores extending chordally through the block and forming opposed apertures in the block.

Regarding claim 8, Rauch fails to further teach a second set of three axially spaced bores, the bores of the second set each being axially spaced from an adjacent bore of the first set of bores.

Regarding claim 13, none of the prior art of record fairly teaches or suggests a method of constructing an antenna having a mast carrying a coil and a plurality of rods comprising the steps

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of identifying a desired frequency of operation for the antenna, selecting the size of the coil and the configuration of the rods which will provide approximately the desired frequency, and constructing the antenna with the selected coil and rod configuration.

Claims 14-23 are allowed for depending on claim 13.

Regarding claim 24, none of the prior art of record fairly teaches or suggests a method of constructing an antenna having a mast carrying a plurality of rods comprising the combination of steps of selecting the number of rods, selecting the length of the rods, and determining the position of the rods relative to the mast.

Claims 25-29 are allowed for depending on claim 24.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang V. Nguyen whose telephone number is (571) 272-1825.

The examiner can normally be reached on Mondays-Fridays from 9:00 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Nguyen can be reached on (571) 272-1825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hvn
7/29/05



**HOANG V. NGUYEN
PRIMARY EXAMINER**